IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

ATLANTIC RECORDING CORPORATION,	
a Delaware corporation; BMG MUSIC, a)
New York general partnership; CAPITOL)
RECORDS, INC., a Delaware corporation;)
SONY BMG MUSIC ENTERTAINMENT,)
a Delaware general partnership; UMG)
RECORDINGS, INC., a Delaware)
corporation; VIRGIN RECORDS AMERICA,	8:08CV3032
INC., a California corporation; and)
WARNER BROS. RECORDS INC.,) AMENDED
a Delaware corporation,) ORDER
Plaintiffs,) ON EX PARTE
) MOTION FOR LEAVE TO
vs.) TAKE IMMEDIATE DISCOVERY
DOES 1-4,)
	Í
Defendants.	,)

This matter is before the court on plaintiffs' *ex parte* motion [3] for leave to take immediate discovery from an unidentified third-party Internet Service Provider. Based on the content of the supporting brief, it appears that the plaintiffs wish to subpoena information from **Creighton University**. The court has allowed similar relief in related cases involving the University of Nebraska-Lincoln.

Upon review of the plaintiff's written submissions (Filings 3 & 4), the court finds that plaintiffs' motion should be granted, **subject to** the conditions set forth in this order.

- **IT IS ORDERED** that plaintiffs' *ex parte* motion for leave to take immediate discovery [3] is granted, subject to the following conditions:
- 1. Plaintiffs may serve immediate discovery on **Creighton University** to obtain the identity of each Doe Defendant by serving a Rule 45 subpoena that seeks documents that identify each Doe Defendant, including the name, current (and permanent) addresses and telephone numbers, e-mail addresses, and Media Access Control addresses for each Defendant. The subpoena may also seek all documents and electronically-stored information relating to the assignment of any IP address which UNL cannot link to a specific Doe Defendant. The disclosure of this information is ordered pursuant to 20 U.S.C. § 1232g(b)(2)(B).

- 2. Any information disclosed to plaintiffs in response to the Rule 45 subpoena may be used by plaintiffs solely for the purpose of protecting plaintiffs' rights under the Copyright Act.
- 3. Plaintiffs shall serve their Rule 45 subpoena no later than **March 25, 2008** and shall, no later than **March 25, 2008**, electronically file proof of service showing the names and addresses of the persons to whom the subpoena was sent, together with a copy of the subpoena. Failure to do so may result in the revocation of permission to conduct immediate discovery.
- 4. **Creighton University** shall provide written notice of plaintiffs' subpoena to each Doe defendant within **five (5) business days** of its receipt of plaintiffs' subpoena. **Notice by email will suffice.** Creighton University is requested to file with the Clerk of the Court a notice or certificate showing compliance with this paragraph.
- 5. If Creighton University or any Doe defendant wishes to file an objection or move to quash the subpoena, they must do so before the return date of the subpoena, which shall be **twenty (20) calendar days from the date of service on Creighton University**. If the 20-day period elapses without any party filing an objection or a motion to quash, Creighton University shall have **ten (10) business days** after said lapse to produce each defendant's name, address, telephone number, e-mail address, and Media Access Control address to plaintiffs pursuant to the subpoena.
- 6. If and when Creighton University is served with a subpoena, Creighton University shall immediately preserve the subpoenaed information pending resolution of any timely-filed motion to quash.
- 7. The plaintiffs shall effect service on each and every defendant no later than **June 20, 2008**.
- 8. Any requests by plaintiffs, defendants, Creighton University or any other interested party for changes of the deadlines established by this order shall be directed to the undersigned magistrate judge by electronically-filed written motion. A proposed order must be forwarded to chambers by email to gossett@ned.uscourts.gov.
 - 9. This order supersedes the order filed February 22, 2008 (Filing 9).

DATED February 27, 2008.

BY THE COURT:

s/ F.A. Gossett United States Magistrate Judge